

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VOICESTREAM PCS II CORPORATION, )  
d/b/a T-Mobile, )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                 v. )                                No. 4:04CV732 FRB  
                                  )  
THE CITY OF ST. LOUIS, MISSOURI, )  
                                  )  
                                 Defendant. )

**JUDGMENT**

In accordance with the Memorandum Opinion and Order filed herewith,

**IT IS HEREBY ORDERED AND ADJUDGED** that plaintiff Voicestream PCS II Corporation, d/b/a T-Mobile, shall have judgment against defendant The City of St. Louis, Missouri, on Counts I and III of plaintiff's Verified Complaint for Writ of Mandamus, Damages, Judicial Review, and Other Relief, to the extent plaintiff seeks judicial review and injunctive relief under the Telecommunications Act of 1996, 47 U.S.C. §§ 332, et seq., and Mo. Rev. Stat. §§ 89.110, 536.140; and compensatory relief under the Telecommunications Act of 1996, 47 U.S.C. §§ 332, et seq.

**IT IS FURTHER ORDERED AND ADJUDGED** that plaintiff Voicestream PCS II Corporation, d/b/a T-Mobile, shall recover of defendant The City of St. Louis, Missouri, compensatory damages in the amount of Thirty-Six Thousand and 00/100 Dollars (\$36,000.00).

**IT IS FURTHER ORDERED AND ADJUDGED** that **forthwith** and at a time not to exceed thirty days from the date of this Judgment, defendant The City of St. Louis, Missouri, through its appropriate department(s) and/or officials, shall issue to plaintiff Voice-stream PCS II Corporation, d/b/a T-Mobile, the permits necessary or required to authorize the construction and installation of the personal wireless facility proposed by plaintiff at 5347 Nottingham, St. Louis, Missouri, as proposed on the construction drawings identified as Exhibit A to the parties' Joint Revised Stipulation of Facts for Final Determination.

**IT IS FURTHER ORDERED AND ADJUDGED** that defendant The City of St. Louis, Missouri, including the appropriate department(s) and/or building officials within the City, shall take no action which would further delay or obstruct Voicestream PCS II Corporation, d/b/a T-Mobile, from the construction and installation of the personal wireless service facilities proposed by plaintiff at 5347 Nottingham, St. Louis, Missouri, from and after the issuance of said permits, except as may be lawfully taken for the purposes of public safety.

**IT IS FURTHER ORDERED AND ADJUDGED** that defendant The City of St. Louis, Missouri, shall have judgment against plaintiff Voicestream PCS II Corporation, d/b/a T-Mobile, on Count IV of plaintiff's Verified Complaint for Writ of Mandamus, Damages, Judicial Review, and Other Relief.

**IT IS FINALLY ORDERED AND ADJUDGED** that Count II of plaintiff Voicestream PCS II Corporation, d/b/a T-Mobile's Verified Complaint for Writ of Mandamus, Damages, Judicial Review, and Other Relief is dismissed with prejudice.



UNITED STATES MAGISTRATE JUDGE

Dated this 3rd day of August, 2005.